

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RONALD S. RILEY,

Plaintiff,

 V_t

C.A. No.: 05-746 (MPT)
(Consolidated)

THE DELAWARE RIVER AND BAY :
 AUTHORITY, JAMES JOHNSON, Individually, :
 JAMES WALLS, Individually, TRUDY :
 SPENCE-PARKER, Individually, and CONSUELA :
 PETTY-JUDKINS, Individually, :

Defendants.

**APPENDIX TO PLAINTIFF RONALD S. RILEY'S
ANSWERING BRIEF IN OPPOSITION TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

JAMES P. HALL, ESQUIRE (#3293)
PHILLIPS, GOLDMAN & SPENCE, P.A.
1200 North Broom Street
Wilmington, DE 19806
(302) 655-4200
Attorney for Plaintiff,
Ronald S. Riley

DATE: June 9, 2008

RIC Ro-3

120607rr.txt

1

Luze

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RONALD S. RILEY,)	
)	
Plaintiff,)	Civil Action No.
)	05-746 (MPT)
v.)	
)	
THE DELAWARE RIVER AND BAY)	
AUTHORITY, JAMES JOHNSON,)	
Individually, JAMES WALLS,)	
Individually, TRUDY)	
SPENCE-PARKER, Individually,)	
and CONSUELLA PETTY-JUDKINS,)	
Individually,)	
)	
Defendants.)	

Deposition of RONALD S. RILEY taken pursuant to notice at the law offices of Young, Conaway, Stargatt & Taylor, LLP, The Brandywine Building, 1000 West Street, 17th Floor, Wilmington, Delaware, beginning at 10:12 a.m., on Thursday, December 6, 2007, before Patricia L. Shelton, Registered Professional Reporter and Notary Public.

APPEARANCES:

JAMES P. HALL, ESQ.
PHILLIPS GOLDMAN & SPENCE, P.A.
1200 North Broom Street
Wilmington, Delaware 19801
For the Plaintiff

ADRIA B. MARTINELLI, ESQ.
YOUNG CONAWAY STARGATT & TAYLOR, LLP
The Brandywine Building
1000 West Street - 17th Floor
Wilmington, Delaware 19801
For the Defendants

ALSO PRESENT: KATHERINE YUEN TRUDY SPENCE-PARKER
WILCOX & FETZER
1330 King Street - Wilmington, Delaware 19801
(302) 655-0477
www.wilfet.com

0

Ronald S. Riley

2

1 RONALD S. RILEY,
2 the deponent herein, having first been

120607rr.txt

19 what he wanted to have accomplished.

20 Q. So Mr. Coles didn't say anything; you just
21 realized you made a mistake and you wrote this as soon
22 as you realized it?

23 A. Yes.

24 Q. Did you tell Mr. Coles when you realized this?

Ronald S. Riley 151

1 A. Yes.

2 Q. Did you tell him verbally or did he get a copy
3 of this?

4 A. I told him verbally.

5 Q. And what was his response?

6 A. Well, I told him -- I didn't e-mail him at that
7 time. I had e-mailed him later on that afternoon. So
8 he got -- it was still ahead of schedule. But it
9 just -- I couldn't get to it at that time because one
10 of the tenants needed access into the airfield.

11 Q. So what was his response when you told him?

12 A. Nothing. "Don't worry about it."

13 Q. He said not to worry about it?

14 A. Yes.

15 (Riley Deposition Exhibit No. 19 was marked
16 for identification.)

17 BY MS. MARTINELLI:

18 Q. Mr. Riley, you've been handed a document
19 identified as Riley 19. And in the lower right-hand
20 corner, it has No. 73 through 79.

21 Do you recognize this document?

22 A. Yes.

23 Q. This appears to be a performance review for you
Page 127

120607rr.txt

24 signed by you on the last page on February 13th, 2003;
Ronald S. Riley 152

1 is that correct?

2 A. Yes.

3 Q. Is this the last time you received a
4 performance review at the Authority?

5 A. Yes.

6 Q. And had you received other performance reviews
7 prior to this?

8 A. Yes.

9 Q. And were they all full performance or higher?

10 A. Yes.

11 Q. So at some point, Mr. Riley, I think in 2003,
12 your position description, your official title was
13 changed to airport operations clerk; is that correct?

14 A. Yes.

15 Q. And do you recall approximately the time frame
16 that Ms. Spence-Parker started in her position at the
17 Authority?

18 A. No.

19 Q. Do you recall communicating with
20 Ms. Spence-Parker after her arrival regarding the
21 status of your position and retroactive pay?

22 A. Yes.

23 Q. And what do you recall about those
24 communications?

Ronald S. Riley 153

1 A. Several e-mails unanswered. That's it.

120607rr.txt

12 This appears to be a memo from Linda Murphy to you
13 dated April 28th, 2003.

14 Do you recall receiving this memo?

15 A. No.

16 Q. Do you deny receiving this memo?

17 A. I said I don't remember receiving the memo.

18 Q. Do you recall receiving any communication that
19 the HayGroup evaluation was completed?

20 A. Yes.

21 Q. And that position evaluation and grade
22 recommendation had been received?

23 A. Yes.

24 Q. And that your position would be a pay grade

Ronald S. Riley

156

1 of P?

2 A. Yes.

3 Q. And do you recall learning that your payment
4 would be retroactive only to March 1, 2003?

5 A. No.

6 Q. You don't recall ever learning that that would
7 be as far back as your retro pay would go back?

8 A. No. No. I don't recall.

9 Q. Do you recall filing a grievance based on lack
10 of retroactive pay?

11 A. Yes.

12 Q. So you had to learn at some point that you
13 weren't getting the retroactive pay, right?

14 A. Correct.

15 Q. Other than the Hay review that we just
16 discussed, have your responsibilities ever been

**DELAWARE RIVER AND BAY AUTHORITY
NEW CASTLE AIRPORT LOCATION**

POSITION TITLE: OPERATIONS CLERK
REPORTS TO: ASSISTANT AIRPORT OPERATIONS MANAGER (New Castle)

I. NATURE OF WORK

This position is the initial DRBA point of contact for individuals seeking assistance from New Castle Airport Operations. Primary responsibilities of this position include greeting and assisting DRBA employees, airfield tenants, visitors, and users at the Airport Operations Office, and performing a variety of administrative duties. Duties include answering telephones, managing ID badge system, issuing and revoking tenant airfield ID badges, and providing clerical help to the Airport Operations staff. Employee may be called upon to perform additional duties as assigned. Shift hours will vary according to operational needs.

II. EXAMPLES OF WORK

- Greets and assists visitors, airfield users and DRBA employees in a courteous and professional manner.
- Promptly notifies Operations staff of visitors.
- Answers and promptly routes all incoming calls and messages to the appropriate department in a professional and courteous manner (FAA, POLICE, AIRPORT ADMIN, etc.)
- Prepares correspondence on behalf of the Operations staff.
- Maintains accurate, complete and up-to-date files of all correspondence pertaining to airfield users and tenants including maintaining a mercantile list.
- Manage the ID badge system for the Airports Division tenants.
- Provide assistance to Operations Specialist.
- Coordinates with Operations Specialists to issue and cancel Notices to Airmen (NOTAMS).
- Maintains log of visitors and contractors working at the New Castle Airport site.
- Communicate with DRBA employees using two-way radio.
- Other related duties as may be assigned.

III. REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES

- Knowledge of standard office practices and procedures.
- Knowledge of grammar and English composition.
- Ability to communicate clearly and effectively, in a courteous manner, both orally and in writing.
- Ability to deal with the public in a professional manner.
- Ability to handle a large number of telephone calls and radio communications in polite, courteous and professional manner.
- Ability to operate office equipment to include personal computers (proficient in word processing, spreadsheet and e-mail applications), facsimile, photocopiers and DRBA ID badge system.

5

D128

IV. MINIMUM QUALIFICATIONS

- Must be a graduate from a standard high school, vocational school or possess a state high school equivalency certificate (GED).
- Must be a least 18 years old.
- Experienced in use of personal computers to include word processing, spreadsheet and e-mail applications.

D129

Time in job moves the person who is new in job @ 85% to Mid Range 100% in 5 years	104.99%	Grade moves 2% every 2 years
---	---------	------------------------------

Person with 7 - 8 year would be @ 105% or more considering annual raises		1st bump 2% 2006	2nd bump 2% 2008	
Airport Supervisor - Failure to Promote	K	\$56,827	\$57,964	Grade where position is now with new AP Manager and Senior Manager
Airport Supervisor - Failure to Promote	L	\$49,415	\$50,403	Grade where position was before promotion of Asst Manager and Manager
Senior CSR - Proper Class for Airport Clerk	M	\$44,318	\$45,204	
Administrative Assistant and CSR - Lowest possible grade for Airport Clerk	N	\$39,747	\$40,542	
Airport Clerk	P	\$31,971	\$32,610	

Complaints Statement of Events

Name: Reed Riley Date: Aug 25th, 2003
Title: Operations Clerk Length of Service: 7

What is the nature of the complaint (check all the apply)

Sex discrimination _____ Race As Gender _____ Disability _____ Religion Episcop
Age 34 Ethnicity _____ Sexual Orientation NA Other (Please specify) _____

1. Exactly what occurred? I KNOW I'M NOT COMPENSATED
ENOUGH FOR THE JOB/TASKS (I'M DOING) NOT
ONLY AM I DOING WHAT JOB DESCRIPTION SAYS
BUT ALSO ADD SUPERVISOR TASK. EXAMPLE:
COORDINATING OVERTIME, ETC!!

Reed Riley 8/25/03

D84

INTERVIEW INVESTIGATION FORM

Complaint: Ron Riley

Title: Operations Clerk

Date: August 25, 2003

Location: New Castle Airport

Length of Service: 7 years

Referral(s): Sam Lathem & Governor Minner

Nature of Complaint: Race/Bias

1. **What occurred?** Mr. Riley alleges that for the last year and a half he has taken over the supervisory functions for a Donna McCall the previous Operations Clerk Supervisor. Mr. Riley states that Ms. McCall had requested to be removed from her managerial functions (reasons unknown). In doing so he was asked to take over part for her functions by Frank Shahan Chief of Airport Operations. Some of those functions included overtime scheduling, & handling of airport tenants. Mr. Riley has no job description pertaining to the supervisory capacity, however he does have a job description for the Operations clerk. Mr. Riley feels that he has yet to be fully compensated for the work that he has performed. Mr. Riley also alleges that Ms. McCall salary has remained the same even though she is no longer doing the job and that he is entitled to the salary she is now receiving. Mr. Riley states that none of his work reviews reflects him doing a supervisor positions.
2. **Did you or have you spoken with your immediate supervisor?** Yes, Mr. Riley contends that he has spoken to his immediate supervisor Frank Shahan Chief of Airport Operations & Rocco Tomanelli Director of Airport Operations regarding his concerns. Mr. Riley states that he has also had a Grievance with Trudy Spence-Parker, James Johnson, Jim Wallace, and Lynda Murphy. Mr. Riley stated that "he got nothing from that meeting" and that all his concerns were inadequately answered.
3. **If yes, with who & when?** Complaint did not know dates off hand and would forward documentation at a later time.
4. **What was the outcome?** Mr. Riley feels that no real outcome has come from any of his meetings. He feels that to this day he has not been given adequate answers regarding the Hay study results and his retro-pay. Mr. Riley feels that all his emails have gone unanswered leaving him with no alternative but to file suit. Mr. Riley contends that he has already been compensated for two months of retro pay & does not know why he has not received the remaining fourteen months. Mr. Riley feels that do to the fact he has been given two months of retro pay clearly means that the Authority knows it is at fault and that the five-percent increase he received is inadequate compared to his counterparts. Mr. Riley states that he knows for a fact that other people at the Authority have gotten higher increases than him some for doing the same work.
5. **Where did it happen?** Mr. Riley's primary functions take place at the New Castle Airport.
6. **Who was present?** N/A

7. **Who else may know relevant information?** Mr. Riley contends that all his supervisors and Directors are aware of his concerns & issues and that many other workers can validate his claims.

7. **How did it happen?** N/A

8. **Who did or said what? In what order?** N/A

9. **Why did it happen?** Mr. Riley feels that all this started when an another supervisor did not want to perform her job description functions.

10. **Could this issue have been avoided?** Mr. Riley feels that all of this could have been avoided had he received some kind of validation regarding his concerns and the retro-pay for the work he has already done. Mr. Riley stated that he is not seeking a promotion of any kind and that he just wants the retro-pay and answers regarding the Hay study. Mr. Riley advised me (Consuella Petty-Judkins) that he is not looking for validation or answers, but just wanted to inform me that he was filing suit and that he did not want me to be in the dark when he did.

11. **Are there any notes, documents, or other evidence that would help to understand this situation?** Yes, Mr. Riley states that he has kept a detailed journal of all events & meetings. He will forward me copies at a later time.

12. **Names of others who have first hand knowledge of the events.**

13.

Name: _____ Source of knowledge: _____

Name: _____ Source of Knowledge: _____

Name: _____ Source of Knowledge: _____

Name: _____ Source of Knowledge: _____

06/10/2005 10:24 FAX 3025718420

DRBA HUMAN RESOURCES

@004

CHARGE OF DISCRIMINATION		ENTER CHARGE NUMBER	
This form is affected by the Privacy Act of 1974		<input type="checkbox"/> FEPA 00002241 <input type="checkbox"/> EEOC 17A500379	
Delaware Department of Labor		and EEOC (if applicable)	
NAME (Indicate Mr., Mrs., Ms) Ronald Riley		HOME TELEPHONE NO. (Include Area Code) (302) 229-3205, 302 326-3695	
STREET ADDRESS 813 North Clayton Street		CITY, STATE AND ZIP CODE Wilmington DE 19805	
		COUNTY NCC	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below.)			
NAME Delaware River & Bay Authority		NO. OF EMPLOYEES OR MEMBERS 400+	
STREET ADDRESS P.O. Box 71, New Castle, DE 19720		TELEPHONE NUMBER (Incl. Area Code) (302) 671-6300	
NAME		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> AGE		DATE DISCRIMINATION TOOK PLACE EARLIEST 8/15/2003 LATEST 5/16/2005 <input type="checkbox"/> CONTINUING ACTION	
<input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)			
THE PARTICULARS ARE (If additional space is needed, attached extra sheet(s))			
Jurisdiction: Charging Party employed at Respondent's Delaware facility since 04/29/96 as a Operations Clerk.			
Charging Party's protected class: Race, Retaliation.			
Adverse employment action: Terms and condition, Wages, denied promotion, harassment.			
Brief statement of allegations: Charging Party states that he was discriminated against based on race and retaliation when after he filed an internal complaint about his salary and hostile work environment, he was retaliated against when he suffered further disparate actions from the Respondent. Specifically, Charging Party states that the Respondent did not address various forms of harassment by his co workers. More so, Charging party's complaints to managers (Joe Bryant) and (Alex Coles) about co worker (Jack Cawmans) action of falsely accusing Charging Party of wrong doing were not addressed. Additionally Charging Party's Complaints about co- workers (Vicki Keatts), (Donna McAniff) and others regarding his alleged lack of qualifications for compensation for voluntary job assignment were also not addressed, Charging Party further alleges that he has been discriminated against based on race in that he has received less wages than his similarly situated co-workers for the same job duties. In conclusion, Charging Party States that the Respondent demonstrates a pattern a practice of paying African American workers less than white workers.			
Respondent's explanation: N/A			
Applicable law(s): Title VII Of The Civil Rights Act Of 1964, As Amended and The Delaware Discrimination In Employment Act			
Comparator(s) or other specific reason(s) for alleging discrimination:			
Additional information and verification of these facts are provided by the attached Verification.			
<input checked="" type="checkbox"/> I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		SIGNATURE OF COMPLAINANT Ronald Riley 5/24/05 I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	

DDOL FORM 9-05
REV 01-05

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE AND MUST NOT BE USED

A-8

D00309

A-12

A82

06/10/2005 10:24 FAX 3025716420

DRBA HUMAN RESOURCES

005

VERIFICATION

Pursuant to Title 19 Del. C. § 712(c)(1)

State of Delaware

New Castle County

ss:

I, Ronald Riley, swear or affirm that I have read the Charge of Discrimination and that it is true to the best of my knowledge, information and belief.

I further agree to advise the agencies involved if I change my address or telephone number, and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

In addition to the facts set forth in the Charge of Discrimination, I hereby aver the following: (optional; do not include witness information)

NO FURTHER INFORMATION

Ronald S. Riley
Charging Party's Verification Signature

SWORN TO AND SUBSCRIBED before me this 24 day of May, 2005.

[Signature]
Notary Public/Attorney at Law

THOMAS J. SMITH
NOTARY PUBLIC, STATE OF DELAWARE
My Commission Expires 11/22/05

A-9

D00310

A-13

A83

STATE OF DELAWARE
DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS – DISCRIMINATION PROGRAM

received
108.08.05/MC-P

Mr. Ronald Riley
813 N. Clayton Street
Wilmington, DE 19805

State Case No. – 05050224W

vs.

Delaware River & Bay Authority
P.O. Box 71
New Castle, DE 19720

FINAL DETERMINATION AND RIGHT TO SUE NOTICE

Pursuant to 19 Del. C. § 710, *et seq.*, the parties in the above-captioned matter are hereby Noticed of the Department's Final Determination and Right to Sue Notice, as follows:

Administrative Dismissal with Corresponding Right to Sue Notice.

In this case, the Department has determined that there is no further benefit which can be provided to the parties under the administrative process. The Department hereby issues this Administrative Dismissal to signal the end of the administrative process without a specific finding. This Administrative Dismissal also provides the Charging Party with a Delaware Right to Sue Notice.

This administrative dismissal is based upon 19 Del. C. § 712 (c) (5) which states: "End of administrative process. In all cases where the Department has dismissed the Charge, issued a No Cause Determination or upon the parties failed conciliation efforts, the Department shall issue a Delaware Right to Sue Notice, acknowledging the Department's termination of the administrative process. Once the Department has issued its preliminary findings pursuant to subsection (2), the Department, in its discretion, may grant a Delaware Right to Sue Notice to a Charging Party."

See the attached Notice of Rights.

This Final Determination is hereby issued on behalf of the Department of Labor, Division of Industrial Affairs, Discrimination Program. You may have additional rights under federal laws.

7/29/05
Date issued

Julie K. Cutler
Julie K. Cutler, Administrator

Delaware Department of Labor, Division of Industrial Affairs, 4425 N. Market St., Wilmington, DE 19802

DOL Form C-12A : 05/05

A-17

D00312

A-14

A84

1 of comparisons to other positions, but are there any
2 other bases for your belief that you should be at a
3 higher pay grade?

4 A. I just gave them all to you. My responsi-
5 bilities far outweigh what is on paper. Other
6 individuals have been moved up. Even more recently
7 two white individuals that were in the union got re-
8 classified through the upper management. So, that
9 sets a precedent right there that I'm being
10 discriminated against.

11 Q. Do you believe that your job description
12 accurately reflects your responsibilities?

13 A. No.

14 Q. And I can get that exhibit out after the break,
15 but off the top of your head do you recall anything
16 specific that you believe is lacking from your job
17 description or not accurate?

18 A. Yes, Alex has been trying to get it
19 re-classified, but it has fallen on deaf ears. As far
20 as the credit, monthly credit card reconciliation,
21 that has not been added, the testing has not been
22 added, the training has not been added and I think
23 that would significantly make a difference if the Hay
24 Group was to look in my job description.



1 Q. Did you say you have spoken with Mr. Coles
2 about what you believe is your inadequate job
3 description?

4 A. I spoke with Alex Coles and Steve Williams.
5 I've given them the documentation they needed as far
6 as my additional responsibilities.

7 Q. And do you recall when you had those
8 conversations?

9 A. Off and on during the last year or two, but it
10 was told to them that they couldn't do anything
11 because I'm in a union.

12 Q. Is that what Mr. Coles told you and/or Mr.
13 Williams?

14 A. Yes.

15 Q. Both of them?

16 A. Yes.

17 Q. So, both of them came back to you and said they
18 were told they couldn't do anything because you are in
19 the union?

20 A. Yes.

21 Q. Do you recall when they told you that?

22 A. Most recently last week, but now they have
23 found out that the two Caucasians were moved up and
24 they're in the union. So, now they're trying to find



120607rr.txt

11 attorney.

12 Have you seen this document before?

13 A. Yes.

14 Q. And is this the job description as it now
15 stands for your position?

16 A. On paper, yes.

17 Q. And did you assist with the creation of this
18 job description?

19 A. Yes. Yes, I did.

20 Q. Do you know how long this document has been in
21 place since as the job description on record for your
22 position?

23 A. I can't recall. Some time in early 2002, late
24 2001.

□

Ronald S. Riley

99

1 Q. Your title wasn't official until 2003; is that
2 correct?

3 A. Yes.

4 Q. But this description existed prior to that?

5 A. Yes.

6 Q. And tell me what -- I know you've identified it
7 in your interrogatories. But if you can review that
8 and compare it to what's listed here, just highlight
9 what you do that's above and beyond this.

10 A. Okay. Credit card reconciliation, key card
11 access to the airport, driver training for the
12 airport.

13 Q. When you say "key card access," is that for all
14 employees?

15 A. No. That's for the west side of the airport.

Page 83

120607rr.txt

16 And it's a sensitive card. It's like a prox card that
17 I have to activate. Only certain individuals are
18 assigned to that airfield, and they're issued those
19 cards. And there's record of it.

20 Q. Are they employees or tenants?

21 A. Tenants.

22 Q. Is that different from the ID badge system for
23 tenants?

24 A. It ties into it. In order to get access to key

Ronald S. Riley

100

1 card, you have to have an ID.

2 Q. And go ahead. Continue with your list.

3 A. These are -- referring to the key card access,
4 these are individuals that own their own aircraft on
5 the west side of the airport. It's a private gate and
6 it's a private key card which I have to activate.

7 Airfield testing. This testing is done to
8 individuals that communicate with the tower. They
9 have to know runways, taxiways, hole short lines,
10 those kind of rules and regulations regarding to the
11 airport.

12 Q. So you administer tests. What exactly do you
13 do in that regard?

14 A. Like I just said, I administer the airfield
15 driving tests. These are individuals that drive on
16 the airfield that communicate with the tower. They
17 have to be familiar -- they have to be familiar with
18 the tower language. They have to be familiar with
19 runways, hole short lines, taxiway, lighting and
20 directional signage as well.

Page 84

120607rr.txt

21 Q. Do you hand them a written test?

22 A. Yes.

23 Q. Do you grade it?

24 A. Yes.

Ronald S. Riley

101

1 Q. Is there any actual driving involved in the
2 test or is it just a written test?

3 A. No. There's driving involved, also.

4 Q. What do you do? Sit beside someone when they
5 do some kind of course?

6 A. No. What we've done, we've assigned actual
7 trainers within the company that administer the
8 driving part.

9 Q. Okay.

10 A. I administer the written part for the airport.

11 Q. And then you also have performing customer
12 service representative activities beyond the scope of
13 an operation clerk.

14 A. When you talk about customer service, we're
15 talking about individuals basically that are lost.
16 They need some kind of assistance other than airport
17 business.

18 For instance, we have surrounding areas,
19 like the county building, the county police. We have
20 Social Security. We have Secret Service. We have the
21 FBI. We have all these individuals around us. A lot
22 of individuals come there looking to exchange money.
23 And we don't exchange money anymore. So we even deal
24 with -- I also deal hand in hand a lot with customs,

Ronald S. Riley
Page 85

102

120607rr.txt

1 individuals coming in on private planes from overseas.

2 So that's what I basically was saying when

3 I say perform customer service activities beyond the

4 scope of operations clerk.

5 Q. Is that not covered in greets and assists

6 visitors, airfield users and DRBA employees?

7 A. No.

8 Q. Why not?

9 A. Because when I look at my job description

10 and -- give me a second. Let me scroll down to where

11 you're at.

12 Q. Roman numeral two, examples of work, the first

13 bullet point.

14 A. Okay. Okay.

15 When you look at a customer service person,

16 you basically look at someone that is just basically

17 handling information within that scope of

18 understanding, what is needed at that particular

19 facility.

20 When I handle customer service, when I put

21 in their customer service performance activities that

22 beyond an operations clerk, I'm comparing myself with

23 all the other clerks in the Authority. That's why I

24 put that in there.

□

Ronald S. Riley

103

1 No other clerk in the Authority deals with

2 all these other agencies like I do. I deal with the

3 FBI. I deal with FEMA. I deal with DNREC. I deal

120607rr.txt

4 with FAA. I deal with everybody. And the record
5 shows none of these other clerks deal with these kind
6 of people.

7 Q. But do you find those responsibilities when you
8 deal with the FBI and FEMA -- I forgot who else you
9 just listed -- do you feel that's outside your job
10 description as it's written here?

11 A. Yes. Some of the questions they ask, yes,
12 they're not your basic questions that a clerk would
13 know. A basic clerk wouldn't know the number of gates
14 that have access to the airport.

15 Q. Do you understand those responsibilities to be
16 part of your duties as they've been assigned to you?

17 A. No, not according to what the union told me.

18 Q. What conversation did you have with the union?

19 A. The union said as it is written on paper, that
20 is the way it is supposed to be done. In other words,
21 where it says "other related duties as assigned," the
22 last one, they said -- in other words, my complaint is
23 when other people are doing other related duties,
24 they're being compensated. And all that's in 21.

0

Ronald S. Riley

104

1 Q. And do you have specific examples of employees
2 you believe are being compensated for doing other
3 duties as assigned?

4 A. No.

5 Q. On what do you base your statement then?

6 A. On the previous items that I just listed to you
7 dealing with the various agencies.

8 Q. Because they don't deal with various agencies?

Administrative Assistant

Location: New Castle, DE
(Police Department)

Salary: \$31,546 (Grade N)

Opening Date: June 1, 2004 **Closing Date:** June 15, 2004

I. NATURE OF WORK:

An Administrative Assistant performs full clerical, administrative and general office duties involving transcription, typing, record and file maintenance, and mail distribution and telephone reception. Business contacts may include persons at all levels within the Authority, related organizations and community. The nature of this work is highly confidential and requires discretion in dealing with managers, supervisors, and employees.

Essential Duties and Responsibilities

- Assist in the administrative requirements of assigned business unit and performs related duties as required.
- Prepares memos, letters and general correspondence in support of assigned business unit activities.
- Coordinates departmental communications and processes.
- Supervises the completion of front-line surveys.
- Provides routine information to applicants and employees.
- Routes incoming mail to appropriate personnel.
- Manages appropriate record keeping and databases for assigned department.
- Receives phone calls and visitors, makes appointments and keeps schedules as directed.
- Facilitates the process regarding police, maritime or other authority accreditation/certifications (i.e., tracking, and follow-up within timeframes, up-to-date files).
- May prepare and submit payroll.

II. REQUIRED KNOWLEDGE:

- Must be willing and capable of learning technical requirements related to the assigned area of work.

II. MINIMUM QUALIFICATIONS:

- Associate's degree or appropriate equivalent experience.

Preferred Education and Experience

- Bachelor's degree

**Present employees who are interested must contact the Human Resources office
NO LATER than 4:00 p.m. Tuesday, June 15, 2004.**

**Trudy Spence-Parker
Chief Human Resources Officer**

DELAWARE RIVER AND BAY AUTHORITY

Department: Toll Operations/Ferry Operations
 Position Title: Customer Service Representative
 Status: Non Exempt
 Grade: N
 Reports To: Supervisor

I. POSITION SUMMARY

This is an essential customer service position for the Authority. Provides courteous, professional service to customers, accommodates customer requests regarding DRBA crossings, and resolves customer inquiries in a timely manner. Responsible for accurate money handling, including cash, check and credit card transactions as required, may maintain required bank, may make daily deposit of funds and completes required reports. This employee may, at times, assist the supervisory staff with training and mentoring new employees, handling commercial accounts and group sales, updating customer service and group sales databases, distributing promotional materials, conducting data entry for customer surveys, and performing other administrative support duties as needed. This employee is responsible for following established safety procedures to protect self, co-workers and public from harm. Employees within this classification may be required to work rotating shifts that involve evenings, weekends and holidays.

II. ESSENTIAL DUTIES AND RESPONSIBILITIES

- Interacts with the public, customers, and businesses in a professional manner; providing accurate information regarding DRBA crossings
- Answers phone calls, performs telephone sales and business transactions, handles business related out-calls
- Provides excellent customer service, including handling and resolving customer complaints/problems in a courteous, professional manner
- Processes customer information and transactions using a personal computer using a variety of computer applications including Microsoft Windows applications, toll software, and/or other applications
- Provides accurate information, researches customer issues, and resolves disputes in a timely manner
- Handles large sums of money as required and follows policies regarding change funds (banks) and deposits
- Accepts and accurately processes financial transactions including cash, checks, credit cards, and bank debit cards required for various customer transactions
- Completes required reports
- Provides traveling directions, maps, brochures and information about local

- attractions to customers
- Follows established safety practices

III. REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES

- Excellent telephone and interpersonal customer service skills
- Working knowledge of call center sales and customer service
- Decision making and conflict resolution skills
- Ability to operate a variety of office equipment including a personal computer with word processing applications, spreadsheet applications, toll collection/reservation applications, and/or other applications
- Detailed knowledge of toll rates, fare rates and discount plans preferred
- Familiarity with the New Jersey/Delaware area, knowledge of available forms of transportation
- Ability to process and update credit card and bank debit card transactions
- Ability to handle, count and secure cash and check transactions

IV. MINIMUM QUALIFICATIONS

- High School Diploma or equivalent
- Ability to operate personal computer
- Three years experience in call center and/or customer service preferred

V. SPECIAL REQUIREMENTS

- May be required to work rotating shifts, evenings, weekends and holidays
- All potential employees will be subject to a background investigation

Revised: June 6, 2007

1 some answers.

2 Q. And did they tell you who told them that --
3 being Mr. Coles and Mr. Williams -- that nothing could
4 be done because you are in the union?

5 A. Jim Walls.

6 Q. Were you at any time promised you would receive
7 more pay for your position?

8 A. No.

9 Q. Did anyone at the Authority ever suggest to you
10 that you should be receiving more pay for your
11 position?

12 A. Yes.

13 Q. And who was that?

14 A. Frank Shanan.

15 Q. And that was approximately what year?

16 A. I believe Frank left in 2002, I believe. Alex
17 Coles.

18 Q. Mr. Coles told you he believed you should be
19 receiving more pay for your position?

20 A. Yes.

21 Q. And when approximately was that?

22 A. Approximately maybe two weeks ago.

23 Q. And how did that conversation come up?

24 A. It came up not only me, but our department in



1 general and it came up because we have an airline
2 coming and that means we have more responsibilities
3 and it came up through a co-worker named Vicky Keates
4 that since we have these added responsibilities what
5 about more money. The response from Alex was, You
6 know, we should be getting more money, he has to look
7 into it, but since we're union it's a union issue.

8 Q. So, Mr. Coles' most recent statement was with
9 respect to everyone at the airport, not just in your
10 position?

11 A. Correct.

12 Q. Did he ever make a statement to you specifi-
13 cally that you should be receiving more pay for your
14 position?

15 A. Yes.

16 Q. And when was that?

17 A. That was prior to that. I don't know how many
18 days or weeks prior to that, but he has mentioned that
19 before when I was gathering the information they
20 needed to try to get me re-classified.

21 Q. How did that discussion come about?

22 A. When we were looking at everyone's job
23 descriptions being re-done and since I'm only an
24 individual I couldn't go to them collectively as a



120607rr.txt

9 A. I'll try to make it even simpler. We have a
10 tri-annual event. In other words, it's our disaster
11 drill that's set up. We have to deal with FEMA. And
12 it basically let's us know our response time to the
13 emergency, like the one we had the other day when a
14 plane crashed and I spearheaded that.

15 In another instance, we have what we call
16 FAA inspection. Every year the FAA comes in and they
17 want to know where is your paperwork regarding, you
18 know, this, that and the other, and how is this
19 working, how is that. If nobody is around, the
20 management knows I'm capable of handling this. And
21 90 percent of the time, I do when they're not around.

22 Q. So you said when you spoke with the union, that
23 they said --

24 A. I should be compensated for me being -- going

Ronald S. Riley

105

1 beyond the scope of an operations clerk.

2 Q. And when did that conversation occur?

3 A. Numerous times over the past year and a half.

4 Q. And was that with Vince or with other people,
5 other union representatives?

6 A. It was with union stewards and the union rep,
7 Vince.

8 Q. Who are the union stewards?

9 A. Ken Overton, Steve Carroll. Those are the two
10 I communicate with the most.

11 Q. And they all informed you, numerous times is
12 your testimony, that you should be compensated because
13 you're performing beyond the scope of your job?

120607rr.txt
19 that the correct union number?

20 A. Yes. Yes.

21 Q. I think you gave a different number before,
22 584.

23 A. Oh, did I? Well, I stand to be corrected.

24 Q. And is this the grievance you filed as a result

Ronald S. Riley

107

1 of the concerns that we've just discussed?

2 A. This is a previous one. They should have one
3 from '07, also.

4 Q. And do you recall back on this one what was the
5 result of this grievance?

6 A. Nothing.

7 Q. But it was the '07 grievance that the response
8 was wait until the next contract?

9 A. Both of them: This one and the most recent
10 one.

11 Q. Do you have a copy of your 2007 grievance?

12 A. I have it at home.

13 MS. MARTINELLI: Can you produce a copy of
14 that, please?

15 MR. HALL: Yes.

16 BY MS. MARTINELLI:

17 Q. And how long have you been performing the
18 duties that you consider to be above and beyond that
19 of an operations clerk?

20 A. Since 2001.

21 Q. So since the beginning of --

22 A. Yes.

23 Q. -- your role in that position?

1 A. He recently got promoted to senior manager.

2 Q. Senior manager of the airport?

3 A. Yes.

4 Q. And what was his position or his title prior to
5 that?

6 A. Manager.

7 Q. Do you recall when you began reporting to Alex
8 Coles?

9 A. I believe it was 2002 I believe.

10 Q. I believe you testified earlier that you don't
11 believe Alex Coles was discriminating against you on
12 the basis of race, but that he was being directed by
13 people higher than him, did I understand that
14 correctly?

15 A. Yes.

16 Q. Exactly which individuals do you believe are
17 directing him to discriminate on the basis of your
18 race?

19 A. I believe Jim Walls, Jim Johnson and Trudy
20 Parker-Spence, I believe.

21 Q. And do you have any evidence to support your
22 belief?

23 A. One, Jim Johnson based on the conversation I
24 had with my union rep when he was asked about -- asked



1 Jim Johnson about me possibly getting more money, he
2 said there -- my name was written at the top of a
3 paper, he didn't say which paper, and he said, "Ron
4 Riley, absolutely no." That's what Jim Johnson's
5 response was.

6 As far as Jim Walls I was approved by
7 everyone to go to a training seminar. I called the
8 training education manager and she said the money was
9 there and it was approved for me to go and then I
10 received a Post-It note from Jim Walls that said I was
11 denied.

12 Then, on Trudy Parker-Spence I had an
13 incident with the wording that came out of her report.
14 Her report said I was observed doing something and the
15 police officer said he did not say he observed
16 anything, he overheard. My response was there is a
17 big difference when you observe something and you hear
18 and that's why I believe some of the things that has
19 transpired through Alex is coming from upper
20 management.

21 Q. So, with respect to those three individuals you
22 have identified, Jim Walls, Jim Johnson and Trudy
23 Spence-Parker, do you have any reason to believe or
24 any evidence -- let me start first do you have any



International Union of Operating Engineers

RECEIVED FROM UNION AT
3:30pm on 3/13/08

LOCALS 542, 542-RA, 542-C, 542-D

ROBERT HEENAN
Business ManagerCHARLES PRISCOPO, Asst. Bus. Mgr.
FREDERICK W. BORGMEAN, President
MIKE MAZZA, Vice PresidentAFFILIATED WITH THE
RMO BUILDINGAMERICAN FEDERATION OF LABOR
TRADES DEPARTMENTTHOMAS P. DANFEE, Recording Secretary
JAMES T. JONES, Treasurer
PAUL HEADLEY, Financial Secretary1375 VIRGINIA DRIVE • SUITE 100, FORT WASHINGTON, PA 19084
(215) 542-7500
Fax: (215) 542-7557

IUEO LOCAL 542 GRIEVANCE FORM

SHOP: <i>OPERATIONS, AIRPORT</i>	DATE: <i>3/11/08</i>
GRIEVANT'S NAME: <i>RONALD S. RILEY</i>	
NATURE OF GRIEVANCE CONTRACT SECTION VIOLATED: <i>SEE ATTACHMENT</i>	

REMEDY SOUGHT:

MOVE TO PAY GRADE "M"

MISCELLANEOUS:

Member's Name *RONALD RILEY*
 Address *504 EAST AVE NEW CASTLE, DE. 19720*
 Phone number *302 225-3205* Signature *Riley*

D00626

120607rr.txt

23 for identification.)

24

Ronald S. Riley

114

1 BY MS. MARTINELLI:

2 Q. Mr. Riley, you've been handed a document
3 identified as Riley 12 for identification purposes.
4 And this is also a complaint filed by you; is that
5 correct?

6 A. Yes.

7 Q. There's no date on this document, but I believe
8 it was filed in 2006; is that correct?

9 A. I can't recall.

10 Q. 2006 or 2007.

11 okay. It does indicate at the top that it
12 was filed on May 25th, 2007. Does that sound correct?

13 A. Yes.

14 Q. And this complaint identifies various examples
15 of retaliation you believe you suffered following the
16 filing of your first complaint; is that correct?

17 A. Yes.

18 Q. And if you turn to page 3 of this document and
19 paragraph 13, subletter A, refers to wearing dress
20 shoes to work. Is this the incident you described
21 earlier in your testimony?

22 A. Yes.

23 Q. And Mr. Coles told you you couldn't wear the
24 dress shoes to work?

Ronald S. Riley

115

120607rr.txt

1 A. Yes.

2 Q. And your testimony is that Mr. Ritchie informed
3 you that the shoes were appropriate for work?

4 A. Yes.

5 Q. And subletter B refers to wearing sneakers to
6 work pursuant to doctor's order. And I believe you
7 testified to that earlier as well; is that correct?

8 A. Yes.

9 Q. And subletter C says, "On October 11, 2006,
10 Alex Coles sent the plaintiff to an empty room without
11 any cause or justification and told him to stay in the
12 room away from his regular work location."

13 You referred to this incident before, but
14 I'd like you to describe it in more detail now,
15 please.

16 A. On -- prior to October 11th, I was out after
17 foot surgery. And on that Monday, I met with HR. I
18 met with Andrew Ritchie, and I met with Lynette. She
19 also works in HR. I can't remember her last name
20 right now. And I asked them what did I need to do to
21 get back to work.

22 They told me to go to Concentra. Once you
23 get cleared from Concentra, Concentra will call us and
24 you can go back to work. You call Alex and let him

Ronald S. Riley

116

1 know when you can come back to work.

2 I did that. I returned to work on the
3 11th. I was sitting at my usual workstation and he
4 told me to follow him. I followed him. He took me
5 upstairs. At that time, there was -- actually there

120607rr.txt
11 there. I didn't steal anything. I was back. I was
12 authorized to come back to work. So nobody gave me an
13 explanation to anything.

14 Q. But it was your first day back following an
15 injury?

16 A. Correct.

17 Q. Okay.

18 A. And I had all my documentation. HR had it,
19 because I had a meeting with them. And 1:30 we had a
20 meeting with Jim Walls, Steve Williams, Alex Coles,
21 myself. The union rep, Vince, he was in there, also;
22 and the steward, Ken Overton. We all met. And the
23 first question that was asked was, "Why was he in the
24 room?" And the room just got silent.

Ronald S. Riley

118

1 And then Steve Williams said, "He was up
2 there so he wouldn't get hurt."

3 And my response was, "I sit at a desk. How
4 could I get hurt?" I said, "I would have felt better
5 if you sent me home instead of treating me like I
6 stole something."

7 At the end of the day -- I left like
8 3:00 o'clock. He said I could go home and just take
9 the rest of the day off. And my response was, you
10 know, "I could have went home all day instead of you
11 keeping me up there, isolating me like I had done
12 something wrong."

13 Q. So in the meeting, they said something about
14 we're not sure if we have all the information you need
15 to come back to work?

120607rr.txt

16 A. In that meeting, they said they wasn't sure. I
17 told them that Andrew Ritchie -- I sat down with
18 Andrew Ritchie and Lynette and -- let me correct
19 myself.

20 Lynette was also in the meeting. She's
21 from HR. And when they asked her to say something
22 regarding the situation, she didn't have anything to
23 say.

24 Q. Do you know if Mr. Coles had all the

Ronald S. Riley

119

1 information regarding your return to work?

2 A. My honest opinion is I believe management may
3 have pushed him to do what he did. Because I've known
4 Alex since '96. We had a long, long-running
5 friendship before he became manager or anything else.
6 He was just a maintenance guy working alongside me.
7 So I believe in my heart that this was motivated by
8 somebody else other than Alex.

9 Now, nobody gave me an explanation why I
10 was up there. I mean, it's unacceptable to put
11 somebody up there and say you were up there so you
12 wouldn't get hurt when you sit at a desk.

13 That's how the conversation ended. They
14 said, "You can go home the rest of the day." That was
15 3:00 o'clock. I get off 4:00 o'clock. "You can come
16 back tomorrow. We have to figure out what HR did
17 wrong." That was the words from Steve Williams: "We
18 have to find out what HR did wrong."

19 I did everything possible. They told me to
20 go to Concentra; I did. They got their paperwork.

21 Alex said, "Okay. 120607rr.txt Come back to work tomorrow." I
22 came back and they put me in an empty room, no
23 explanation.

24 Q. My question was, did Mr. Coles have all the

Ronald S. Riley 120

1 information regarding your return to work?

2 A. Well, he was supposed -- that's through him and
3 HR.

4 Q. You don't know the answer to that?

5 A. The slip that I gave him said I was able to
6 return to work. What Concentra gave me, the little
7 slip that said I could return to work, I gave to him.

8 Q. Were there any restrictions on your return to
9 work?

10 A. Yes.

11 Q. And what were those restrictions contained in?

12 A. It was contained in the prescription note. It
13 basically just said wear sneakers for the next six or
14 seven months.

15 Q. And the return to work slip that you described
16 handing to Mr. Coles, did that contain information
17 about your restrictions?

18 A. That's what it contained, yes.

19 Q. It did?

20 A. Yes.

21 Q. And you said you gave him the return slip. Did
22 you give it to him that morning, or when did he get
23 that slip? The day before?

24 A. He should have gotten it the day before.

Ronald S. Riley 121

120607rr.txt

1 Because I sent everything to HR to get cleared to come
2 back to work.

3 Q. When you say Mr. Coles had it, you're just
4 assuming he got it from HR?

5 A. Correct. That's the way it usually goes. But
6 I had a copy in my car if I needed to present it. But
7 they never asked for it. They were trying to work it
8 out with HR.

9 Q. Did you ever offer that you had a copy in your
10 car?

11 A. No. No.

12 Q. So from 8:30 to 12:30 when your union rep
13 called you, you were in the room?

14 A. Yes.

15 Q. And did you have any communications with anyone
16 besides your union rep during that period?

17 A. No. I called my attorney, but he wasn't
18 available at that time.

19 Q. And at 12:30, your union rep -- was that Vince,
20 by the way, or someone else?

21 A. Vince.

22 He told me to go to lunch.

23 Q. He said go to lunch. And then did you go to
24 lunch?

0

Ronald S. Riley

122

1 A. No. I went downstairs and sat outside.

2 Q. Why didn't you go to lunch?

3 A. I wasn't hungry. I didn't feel like eating. I
4 wanted to know what was going on.

Page 102

120607rr.txt

23 A. Yes. Yes.

24 Q. And it was a three-day course?

Ronald S. Riley

133

1 A. Yes.

2 Q. Do you know has anyone else in the Authority
3 attended this training?

4 A. Not to my knowledge.

5 Q. And on the first page, the sticky note that
6 appears to be from Laura, is that the note from
7 Laura Hanna you testified to earlier?

8 A. Yes.

9 Q. So the note reads, "Per Mr. Walls, this
10 training is not approved."

11 You testified that you did not follow up on
12 this; is that correct?

13 A. No, I did not.

14 Q. And, Mr. Riley, if you can refer back to what
15 was labeled Riley 12, it was your second complaint.

16 On page 4, subsection D describes on
17 October 31st that you spoke to Mr. Ritchie, an
18 employee of the DRBA, regarding three hours of missing
19 time. Mr. Ritchie advised that Alex Coles went into
20 the computer system and changed Riley's time removing
21 three hours of pay. Mr. Riley alleges that Mr. Coles
22 changed Mr. Riley's time from 0755 hours to 1100 hours
23 despite the fact plaintiff worked those hours; is that
24 correct?

Ronald S. Riley

134

1 A. Yes.

Page 112

120607rr.txt

2 Q. Are you certain that October 31st was the day
3 you spoke with Mr. Ritchie?

4 A. Yes.

5 Q. And did anything happen following that
6 discussion?

7 A. Yes.

8 Q. What was that?

9 A. Mr. Coles changed it back.

10 Q. So you didn't lose the three hours?

11 A. During that pay period, I had to wait two more
12 weeks to get it in another check.

13 Q. But eventually you were compensated for that
14 time?

15 A. Yes.

16 Q. And did Mr. Coles ever discuss it with you or
17 his change?

18 A. No.

19 Q. How did you learn that he had put the time back
20 in?

21 A. I talked to Andrew Ritchie. And Andrew Ritchie
22 said that he had spoke to him and he was supposed to
23 make the change in the system.

24 Q. Did Mr. Ritchie tell you anything else about

Ronald S. Riley

135

1 his conversation with Mr. Coles?

2 A. No.

3 Q. Were you ever given a reason as to why
4 Mr. Ritchie initially removed that time?

5 A. No.

6 Q. The next paragraph on page 4, paragraph F says
Page 113

120607rr.txt

13 whites.

14 MS. MARTINELLI: Can we take a five-minute
15 break?

16 (A short recess was taken.)

17 BY MS. MARTINELLI:

18 Q. Mr. Riley, the day that you were put in the
19 empty room, did you receive full pay for that day?

20 A. Yes.

21 Q. And you testified about the training that was
22 denied by Mr. Walls.

23 A. Yes.

24 MS. MARTINELLI: Mark this as the next

Ronald S. Riley 131

1 exhibit.

2 (Riley Deposition Exhibit No. 14 was marked
3 for identification.)

4 BY MS. MARTINELLI:

5 Q. The court reporter has handed you a document
6 identified as Riley 14. And in the lower right-hand
7 corner, it's labeled D00328. Take your time to review
8 this document.

9 A. Okay.

10 Q. It's a little hard to read some of it because
11 of that picture in the background, but does this
12 appear to be the request for training that you were
13 referring to?

14 A. Yes.

15 Q. And the degree program/certification is
16 identified as -- and this is your writing on the
17 enrollment, Mr. Riley?

120607rr.txt

18 A. Yes.

19 Q. (Continuing) customer service/volunteer
20 ambassador program; is that correct?

21 A. Yes.

22 Q. And is the cost of that course identified on
23 here?

24 A. Yes. On the last page.

Ronald S. Riley

132

1 Q. The registration fees, is that it?

2 A. Yes.

3 Q. Let's see. AAAE I guess stands for American
4 Association of Airport Executives; is that correct?

5 A. Yes.

6 Q. Were you a member of that?

7 A. The airport is a member of it. It's not just
8 one individual.

9 Q. But it's an association of airport executives?

10 A. It's a membership that all airports have. It's
11 just a generic title that is for the company, AAAE.

12 Q. It's airports that are members --

13 A. Yes.

14 Q. -- as opposed to individual employees?

15 A. Correct.

16 Q. So you think the cost would be \$370?

17 A. I don't know what the final cost would have
18 been. You have to calculate traveling, also.

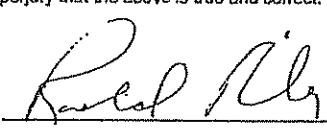
19 Q. Where was this course being offered?

20 A. Columbus, Ohio.

21 Q. So this would have entailed travel and food and
22 hotel and everything else?

Page 111

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: <input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC		Agency(ies) Charge No(s): 06090410W 17C-2006-01425
Delaware Department of Labor and EEOC <small>State or local Agency, if any</small>				
Name (Indicate Mr., Ms., Mrs.) Mr. Ronald Riley		Home Phone (incl. Area Code) (302) 426-0348		Date of Birth 10-05-1963
Street Address 504 East Avenue, New Castle, DE 19720				
Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)				
Name DELAWARE RIVER & BAY AUTHORITY		No. Employees, Members 201 - 500		Phone No. (Include Area Code) (302) 571-6303
Street Address Post Office Box 71, New Castle, DE 19720				
Name 				
No. Employees, Members 				
Phone No. (Include Area Code) 				
Street Address 				
City, State and ZIP Code 				
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)				DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 08-09-2006 08-09-2006 <input type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): Jurisdiction: Charging Party works for Respondent in Delaware since 04/96 most recently as an Operations Clerk Charging Party's protected class: Race (Black), Sex (Male), Retaliation Adverse employment action: Denied Training Brief statement of allegations: Charging Party alleges that in fall 2005 Respondent was served with papers out of federal court regarding his charge of discrimination. On July 26, 2006 Charging Party learned of training in Customer Service offered by the American Association of Airport Executives. On this same date, Charging Party alleges in writing he requested Respondent's permission to attend this training. On 08/07/06, Charging Party had his written request returned to him as approved by his supervisor, Alex Coles (B/M). On 08/09/06, Charging Party learned via a note from Laura Hanna attached to the approved training request stating that per Mr. Walls, (W/M) Chief Operating Officer the training was not approved. On 08/09/06, Charging Party learned that Patty Stevenson, (W/F) Maintenance Clerk working part time was approved and attended a training course. On 08/24/06, Charging Party learned that another of his similarly situated coworkers, Vicki Keatts, (W/F) Airport Security Operations Specialist, was approved to attend training in airport safety and is scheduled to attend this training in November 2006. Charging Party alleges that under the previous administration he has been approved and attended training courses but that under this new administration he has been denied training. Charging Party believes that he has been denied training because of his race and sex. Charging Party further believes that respondent is denying him the opportunity to attend training in retaliation for filing a previous charge of discrimination. Respondent's explanation: None Given Applicable law(s): Title VII of the Civil Rights Act of 1964 as amended and the Delaware Discrimination in Employment Act Comparator(s) or other specific reason(s) for alleging discrimination: Sandra McKinney (B/F) Training and Development Manager stated to Charging Party that it was her understanding that he had been approved for the requested training and that she was not informed that it had later been denied. Patty Stevenson (W/F) and Vicki Keatts (W/F) were afforded training opportunities.				
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY -- When necessary for State and Local Agency Requirements		
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT		
Date Sep 19, 2006		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)		
Charging Party Signature 				

D00290

A-43

A92

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION		Charge Presented To:	Agency(ies) Charge No(s):
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	06090410W 17C-2006-01425
Delaware Department of Labor		and EEOC	
State or local Agency, if any			
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<i>NO ADDITIONAL INFORMATION</i>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - <u>BRENDA J. SANDS</u> NOTARY PUBLIC, STATE OF DELAWARE My Commission Expires <u>9/3/07</u>	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date <u>Sep 19, 2006</u>		SIGNATURE OF COMPLAINANT <u>Kenneth Riley</u>	
Charging Party Signature <u>Kenneth Riley</u>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) <u>9/19/06</u> <u>BJSands</u>	

D00291

A-44

A93

STATE OF DELAWARE
DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS – DISCRIMINATION PROGRAM

RILEY
cf

Ronald Riley
504 East Avenue
New Castle, DE 19720

Case No. 06090410W

vs.

DELAWARE RIVER & BAY AUTHORITY
Post Office Box 71,
New Castle, DE 19720

FINAL DETERMINATION AND RIGHT TO SUE NOTICE

Pursuant to 19 Del. C. § 710, *et seq.*, the parties in the above-captioned matter are hereby Noticed of the Department's Final Determination and Right to Sue Notice, as follows:

Administrative Dismissal with Corresponding Right to Sue Notice.

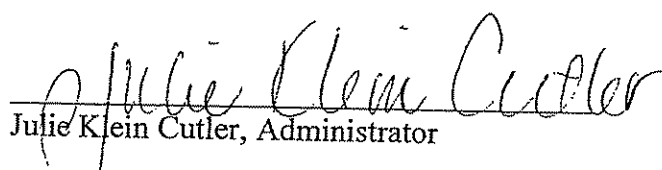
In this case, the Department has determined that there is no further benefit which can be provided to the parties under the administrative process. The Department hereby issues this Administrative Dismissal to signal the end of the administrative process without a specific finding. This Administrative Dismissal also provides the Charging Party with a Delaware Right to Sue Notice.

This administrative dismissal is based upon 19 Del. C. § 712 (c) (5) which states: "End of administrative process. In all cases where the Department has dismissed the Charge, issued a No Cause Determination or upon the parties failed conciliation efforts, the Department shall issue a Delaware Right to Sue Notice, acknowledging the Department's termination of the administrative process. Once the Department has issued its preliminary findings pursuant to subsection (2), the Department, in its discretion, may grant a Delaware Right to Sue Notice to a Charging Party."

See the attached Notice of Rights.

This Final Determination is hereby issued on behalf of the Department of Labor, Division of Industrial Affairs, Discrimination Program. You may have additional rights under federal laws.

10/23/06
Date issued


Julie Klein Cutler, Administrator

Delaware Department of Labor, Division of Industrial Affairs, 4425 N. Market St., Wilmington, DE 19802

A-45

NOTICE OF DELAWARE RIGHTS

The Department of Labor Discrimination Unit provides the following excerpt from 19 Del. C. § 710, et seq. as information regarding the Delaware Right to Sue Notice. If you need legal advice, please seek your own legal counsel.

§ 714. Civil action by the Charging Party; Delaware Right to Sue Notice; election of remedies.

(a) A Charging Party may file a civil action in Superior Court, after exhausting the administrative remedies provided herein and receipt of a Delaware Right to Sue Notice acknowledging same.

(b) The Delaware Right to Sue Notice shall include authorization for the Charging Party to bring a civil action under this Chapter in Superior Court by instituting suit within ninety (90) days of its receipt or within ninety (90) days of receipt of a Federal Right to Sue Notice, whichever is later.

(c) The Charging Party shall elect a Delaware or federal forum to prosecute the employment discrimination cause of action so as to avoid unnecessary costs, delays and duplicative litigation. A Charging Party is barred by this election of remedies from filing cases in both Superior Court and the federal forum. If the Charging Party files in Superior Court and in a federal forum, the Respondent may file an application to dismiss the Superior Court action under this election of remedies provision.

NOTICE OF FEDERAL RIGHTS

1. If your case was also filed under federal law and resulted in a "No Cause" finding, you have additional appeal rights with the Equal Employment Opportunity Commission. Under Section 1601.76 of EEOC's regulations, you are entitled to request that EEOC perform a Substantial Weight Review of the DDOL's final finding. To obtain this review, you must request it by writing to EEOC within *15 days of your receipt* of DDOL's final finding in your case. Otherwise, EEOC will generally adopt the DDOL's findings.

2. If your case was also filed under federal law, you have the right to request a federal Right to Sue Notice from the EEOC. To obtain such a federal Right to Sue Notice, you must make a written request directly to EEOC at the address shown below. Upon its receipt, EEOC will issue you a Notice of Right to Sue and you will have ninety (90) days to file suit. The issuance of a Notice of Right to Sue will normally result in EEOC terminating all further processing.

3. Requests to the EEOC should be sent to:

Equal Employment Opportunity Commission
The Bourse, Suite 400
21 S. Fifth Street
Philadelphia, PA 19106-2515

A-46

Delaware Department of Labor, Division of Industrial Affairs, 4425 N. Market St., Wilmington, DE 19802

120607rr.txt

7 that on May 18th after you completed work, you went to
8 see a co-worker and you received a call from
9 Alex Coles in California. Is this the call you
10 testified to earlier?

11 A. No.

12 Q. This is a different call?

13 A. Yes.

14 Q. The call before was when he was in California,
15 too, correct?

16 A. Yes.

17 Q. Is it the same California trip?

18 A. No. Separate.

19 Q. Okay. So what happened on this call?

20 A. That morning I went over to what we call our
21 cafeteria slash police department. I went over there
22 to get a breakfast sandwich that I had ordered. I
23 picked up the breakfast sandwich, talked to a few of
24 the maintenance guys and I left. Alex called me and

Ronald S. Riley

136

1 said he got a call I was there two to three hours.

2 Q. But this was in the morning you were over
3 there?

4 A. Yes. Yes.

5 Q. But it was after your workday has ended?

6 A. No. This is in the morning.

7 Q. Okay. The sentence on the next page, 5, says,
8 "Mr. Riley explained it was after his workday ended at
9 1400 hours and he was speaking to fellow co-workers on
10 his own time."

11 A. This is the second incident. This is not the

Page 114

ALEX E. COLES

Page 1

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

RONALD S. RILEY	:	C.A. No. 05-746 (MPT)
Plaintiff	:	C.A. No. 07-336 (MPT)
	:	
- vs -	:	
	:	
THE DELAWARE RIVER AND BAY	:	
AUTHORITY, JAMES JOHNSON,	:	
Individually, JAMES WALLS,	:	
Individually, TRUDY SPENCE-	:	
PARKER, Individually, and	:	
CONSUELLA PETTY-JUDKINS,	:	
Individually	:	
Defendants	:	

ORAL DEPOSITION OF ALEX E. COLES, taken before
Nancy R. Toner, Registered Professional Reporter, Notary
Public, at the offices of Young, Conaway, Stargatt and
Taylor, 1000 West Street, Wilmington, Delaware on Wednesday,
February 27, 2008, commencing at 9:30 a.m.

ORIGINAL

KARASCH & ASSOCIATES
REGISTERED PROFESSIONAL REPORTERS
PENNSYLVANIA AND DELAWARE
800-621-5689

A-48

Karasch & Associates
800-621-5689

ALEX E. COLES

Page 44

1 approved for training to go to a seminar in Ohio?

2 A. Well, I approved him for training because
3 I thought it was appropriate for his job or
4 whatever. I'm trying to remember the training. I
5 think it fit in for what he was doing with us. I
6 moved it up to Steve who moved it up the chain.

7 Q. Did Steve Williams approve it?

8 A. I believe he did.

9 Q. Ultimately was Mr. Riley approved for this
10 training?

11 A. No.

12 Q. Why not?

13 A. From my knowledge, Walls disapproved it.

14 Q. Do you know why he disapproved it?

15 A. No. I went to Steve and asked him what
16 was going on. He just said Walls disapproved it.

17 Q. Do you know how you did it? Did he meet
18 with you or Mr. Williams and explain why Ron should
19 not go to the seminar?

20 A. I think I ended up pushing a meeting, him
21 and Steve, and he was saying something where -- what
22 did he say? Something to the effect he didn't think
23 a clerk needed to go to this training. That's been
24 a while. I'm the type person, if I approve someone,
25 I just need to know why. I need follow-up

ALEX E. COLES

Page 22

1 A. Racial discrimination against the
2 Authority? No, not in writing.

3 Q. Do you believe that you've ever personally
4 been discriminated upon as an African American male
5 or minority at the Authority?

6 A. Yes.

7 Q. How have you been discriminated upon?

8 A. Just coming up through I guess -- I
9 explained it to you -- when I went from coordinator
10 to operations specialist. At that time, you know,
11 the changes coming. Johnson just came in and the
12 people who ran the department, I would -- probably
13 had some racial issues at that time.

14 Q. When Johnson first came in?

15 A. Yeah.

16 Q. And who were the people that ran the
17 department that you had some issues with?

18 A. At the time Ms. McAuliffe was the
19 supervisor. Don't hold me to it, but I think --
20 what's his name? I don't know if he was still there
21 or not at that time.

22 Joe Clemente was assistant -- I think he
23 was assistant manager. He may have left before
24 Johnson and them got there or not. And from there,
25 I think Haywood Daisy might have been there. Frank